

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 21, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused: None

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 450, 2/17/2017; HB 463, 2/17/2017; HB 472, 2/17/2017; HB 493, 2/17/2017; HB 524, 2/17/2017
Executive Action: HB 351, HB 426, HB 431, HB 467, HB 468, HB 503, HB 494

HEARING ON HB 472**Opening Statement by Sponsor:**

00:01:38 Rep. Wylie Galt (R), HD 30, opened the hearing on HB 472, Prohibit county attorneys from selling alcohol or owning alcohol establishments.

Proponents' Testimony:

00:02:06 Katherine Walter, Self

Opponents' Testimony:

00:03:03 Dan Rice, Self

00:11:56 Elisabeth Brewer, Self

00:13:07 Kimberly Deshene, Self

Informational Testimony: None

Questions from Committee Members and Responses:

00:17:06 Rep. Manzella

00:18:16 Dan Rice, Self

00:19:10 Rep. McConnell

00:19:25 Dan Rice, Self

Closing by Sponsor:

00:19:58 Rep. Galt

HEARING ON HB 463**Opening Statement by Sponsor:**

00:20:57 Rep. Kathy Kelker (D), HD 47, opened the hearing on HB 463, Prohibit chronically incapacitated substance abuse in public places.

EXHIBIT(juh38a01)

Proponents' Testimony:

00:31:15 Lisa Harmon, Community Innovations, Downtown Billings Alliance

00:37:23 Tim Burton, Montana League of Cities and Towns (MLCT)

00:38:27 Matt Lennick, Billings Police Department

00:41:59 Rich St. John, Billings Police Department, Community Innovations

00:46:30 Jean Branscum, Montana Medical Association (MMA)

00:46:56 Aimee Grmoljez, Billings Clinic, Rimrock Foundation

00:47:18 Ed Bartlett, Montana Retail Association, Bozeman Chamber of Commerce

00:47:41 Bruce MacIntyre, Billings Chamber of Commerce

00:48:00 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

00:48:20 Mike Foster, Montana Catholic Hospitals

00:48:39 James Chandler, Self

00:48:52 Natasha Potrotz, Self

00:49:14 Jerriid Gray, Self

Opponents' Testimony:

00:50:00 SK Rossi, American Civil Liberties Union (ACLU)
00:52:32 Beth Brenneman, Disability Rights Montana
00:54:58 Kathy McGowan, Western Montana Mental Health Center
00:57:50 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
00:58:13 Rachael Carroll Ribas, Montana Human Rights Network

Informational Testimony: None**Questions from Committee Members and Responses:**

00:58:50 Rep. Hill Smith
00:59:41 Rep. Kelker
00:59:45 Rep. Hill Smith
01:01:12 Lisa Harmon, Community Innovations, Downtown Billings Alliance
01:03:31 Rep. Wagoner
01:03:47 Rep. Kelker
01:04:55 Rep. Morigeau
01:05:47 SK Rossi, ACLU
01:06:33 Rep. Morigeau
01:07:03 Rep. Kelker
01:09:21 Rep. Court
01:10:01 Lisa Harmon, Community Innovations, Downtown Billings Alliance
01:10:16 Rep. Court
01:11:28 Rep. Manzella
01:12:12 Rep. Kelker
01:12:25 Lisa Harmon, Community Innovations, Downtown Billings Alliance
01:14:18 Rep. Usher
01:14:54 Rep. Kelker
01:15:13 Lisa Harmon, Community Innovations, Downtown Billings Alliance
01:16:27 Rep. Harris
01:17:19 Lisa Harmon, Community Innovations, Downtown Billings Alliance

Closing by Sponsor:

01:20:38 Rep. Kelker

HEARING ON HB 524**Opening Statement by Sponsor:**

01:24:14 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 524, Create body-worn camera commission within Dept. of Justice.

[**EXHIBIT\(juh38a02\)**](#)

Proponents' Testimony:

01:31:22 SK Rossi, American Civil Liberties Union (ACLU)

Opponents' Testimony:

01:32:58 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
01:36:10 Jerry Williams, Montana Police Protective Association (MPPA)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:39:22 Rep. Zolnikov

HEARING ON HB 450

Opening Statement by Sponsor:

01:49:35 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 450, Revise assumption of criminal jurisdiction of Flathead Indian country laws.

Proponents' Testimony:

01:53:56 Commissioner William Douglas Baron, Lake County

01:59:42 Steve Eschenbacher, Lake County Attorney

Opponents' Testimony: None

Informational Testimony:

02:01:48 Melissa Schlichting, Attorney Generals Office

02:02:58 Ryan Rusche, Confederated Salish and Kootenai Tribes

Questions from Committee Members and Responses:

02:03:28 Rep. Morigeau

02:04:50 Steve Eschenbacher, Lake County Attorney

02:05:02 William Douglas Baron, Lake County

02:05:17 Rep. Manzella

02:06:19 Steve Eschenbacher, Lake County Attorney

02:06:53 Rep. Bishop

02:07:21 Melissa Schlichting, Attorney Generals Office

02:08:40 Rep. Manzella

02:09:00 Steve Eschenbacher, Lake County Attorney

02:09:35 Rep. Bishop

02:09:54 Rep. Hertz

02:10:27 Rep. Court

02:10:57 William Douglas Baron, Lake County

02:11:14 Rep. Usher

02:11:45 William Douglas Baron, Lake County

02:12:02 Rep. Morigeau

02:12:49 Ryan Rusche, Confederated Salish and Kootenai Tribes

Closing by Sponsor:

02:15:44 Rep. Hertz

HEARING ON HB 493**Opening Statement by Sponsor:**

02:18:22 Rep. Casey Schreiner (D), HD 26, opened the hearing on HB 493, Prohibit state use of private for-profit prison.

Proponents' Testimony:

02:22:25 Rudy Stock, Self

[**EXHIBIT\(juh38a03\)**](#)

02:27:13 SK Rossi, American Civil Liberties Union (ACLU)

02:29:29 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

02:30:28 Jules Shindel, Montana Human Rights network

02:32:58 Chris Cazazos, American Federation of Labor and Congress of Industrial Organizations (AFLO-CIO)

Opponents' Testimony:

02:33:38 Deb Brandon, Crossroads Correctional Center

02:36:57 Melissa Lewis, City of Shelby

02:39:50 Aidan Myhre, Core Civic

02:44:56 Douglas Fender, Crossroads Correctional Center

02:48:36 Shane Scanlon, Montana Chamber of Commerce

02:49:27 Cecily Simons, Crossroads Correctional Center

Informational Testimony:

02:50:29 Loraine Wodnik, Montana Department of Corrections (COR)

Questions from Committee Members and Responses:

02:50:55 Rep. Sheldon-Galloway

02:51:39 Loraine Wodnik, COR

02:52:10 Rep. Usher

02:52:51 Rep. Schreiner

02:54:24 Rep. Hill Smith

02:55:06 Rep. Schreiner

02:57:05 Rep. Hill Smith

02:57:36 Deb Brandon, Crossroads Correctional Center

02:59:06 Rep. Berglee

02:59:25 Rep. Schreiner

02:59:56 Loraine Wodnik, COR

Closing by Sponsor:

03:00:35 Rep. Schreiner

03:02:17 Recess

03:10:09 Reconvene

EXECUTIVE ACTION ON HB 431**Discussion:**

03:10:17 Helen Thigpen, Legislative Services Division (LSD)

03:10:36 **Motion:** Rep. Berglee moved that **HB 431 DO PASS.**

Discussion:

03:10:42 Rep. Hill Smith

03:11:48 Rep. McConnell

03:12:28 Chair Doane

03:12:58 Rep. Hill Smith

03:13:13 Rep. McConnell

03:13:31 Rep. Morigeau

03:13:41 **Vote:** Motion failed 6-13 by roll call vote with Rep. Eck, Rep. Hill Smith, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting aye.

03:14:58 **Motion:** Rep. Court moved that **HB 431 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 426**Discussion:**

03:15:20 Helen Thigpen, LSD

03:15:56 **Motion:** Rep. Berglee moved that **HB 426 DO PASS.**

03:17:01 **Motion:** Rep. Court moved that **HB 426 BE AMENDED.**
[EXHIBIT\(juh38a04\)](#)

Discussion:

03:17:13 Helen Thigpen, LSD

03:18:16 **Vote:** Motion carried 10-9 by roll call vote with Rep. B. Brown, Rep. Doane, Rep. Harris, Rep. C. Knudsen, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no.

03:19:42 **Motion:** Rep. Berglee moved that **HB 426 DO PASS AS AMENDED.**

Discussion:

03:19:47 Rep. Usher

03:20:32 Chair Doane

03:20:57 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

03:21:54 **Motion:** Rep. Court moved that **HB 426 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 351**Discussion:**

03:22:14 Helen Thigpen, LSD

03:22:55 **Motion:** Rep. Berglee moved that **HB 351 DO PASS.**

Discussion:

03:23:10 Rep. B. Brown

03:23:56 Rep. McConnell

03:24:25 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Harris, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

EXHIBIT(juh38a05)

03:26:06 **Motion:** Rep. Court moved that **HB 351 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 494**Discussion:**

03:26:26 Helen Thigpen, LSD

03:26:51 **Motion:** Rep. Berglee moved that **HB 494 DO PASS.**

Discussion:

03:27:06 Rep. Berglee

03:27:21 Rep. Sheldon-Galloway

03:28:16 Rep. Berglee

03:28:45 Rep. Eck

03:29:22 Rep. Morigeau

03:30:28 Rep. B. Brown

03:31:05 Rep. Mortensen

03:31:24 Rep. Bishop

03:32:05 Rep. Harris

03:33:11 Rep. Wagoner

03:33:50 Rep. Manzella

03:34:06 Rep. Morigeau

03:34:48 Helen Thigpen, LSD

03:35:10 Chair Doane

03:35:18 Helen Thigpen, LSD

03:35:23 Rep. Morigeau

03:35:34 Helen Thigpen, LSD

03:35:39 Rep. Regier

03:35:48 Rep. Sheldon-Galloway

03:36:05 Rep. McConnell

03:36:29 Rep. Berglee

03:36:45 Helen Thigpen, LSD

03:37:01 Rep. McConnell

03:37:36 Rep. Berglee
03:38:54 Rep. Usher
03:39:42 Chair Doane

03:40:03 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

EXECUTIVE ACTION ON HB 503

Discussion:

03:41:20 Helen Thigpen, LSD

03:41:35 **Motion:** Rep. Berglee moved that **HB 503 DO PASS.**

Discussion:

03:41:40 Rep. Usher
03:42:06 Rep. Sheldon-Galloway
03:43:10 Rep. McConnell
03:43:48 Rep. Bishop
03:45:07 Rep. Hill Smith

03:45:28 **Vote:** Motion failed 3-16 by roll call vote with Rep. Court, Rep. Kelker and Rep. Morigeau voting aye.

03:46:45 **Motion:** Rep. Court moved that **HB 503 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 467

Discussion:

03:47:04 Helen Thigpen, LSD

03:47:19 **Motion:** Rep. Berglee moved that **HB 467 DO PASS.**

Discussion:

03:47:29 Rep. Eck
03:48:46 Rep. Mortensen
03:49:14 Rep. Kelker

03:49:33 **Substitute Motion/Vote:** Rep. Berglee moved that **HB 467 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 468

Discussion:

03:50:49 Helen Thigpen, LSD

03:51:12 **Motion:** Rep. Berglee moved that **HB 468 DO PASS.**

Discussion:

03:51:18 Rep. Kelker

03:51:40 **Substitute Motion/Vote:** Rep. Court moved that **HB 468 BE TABLED**. Motion carried 13-6 by roll call vote with Rep. Berglee, Rep. Doane, Rep. Harris, Rep. C. Knudsen, Rep. Manzella and Rep. Usher voting no.

ADJOURNMENT

Adjournment: 03:53:16

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh38aad.pdf](#))